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MOORE AND VAN ALLEN PLLC FOR SEMC
P.O. BOX 13706
430 DAVIS DRIVE, SUITE 500
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER
TRINH, TAN H

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01-05-2009</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>17 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   Regarding claims 6 and 14 are rejected under U.S.C. 101 because the claim is directed to

non-statutory subject matter. Specifically, the computer program code appears to be a set of

program codes, rather than comprising any tangible medium such as storage memory. Thus even

through the claimed steps are statutory method, the claimed "computer program code" is deemed

to be non-statutory.

      Since, the dependent claims 7-10 and 15-16 are depended directly or indirectly on the

rejected independent claims 6 and 14 respectively; they are also rejected under 35 U.S.C. 101.

      Note: the Proposed claims amendments as we just discussed on 03-16-2009, the attached

are the proposed amendments is OK.

Specification

2.   The specification on paragraph [32] is objected, because on paragraph [32] is infected,

these phrase should be deleted or propagation medium such as the Internet. Note that the

computer-usable or computer-readable medium could even be paper or another suitable medium

upon which the program is printed, as the program can be electronically captured, via, for

instance, optical scanning of the paper or other medium, then compiled, interpreted, or otherwise

processed in a suitable manner. Appropriate correction is required.

Note: the Proposed specification on paragraph [32] amendments as we just discussed on

03-23-2009, the attached are the proposed amendments is OK.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gates (U.S.

Patent No. 2002/0128047) in view of Fitzpatrick (U.S. Pub. NO. 2004/0044536).

Regarding claims 1 and 6, Gates teaches a method of sending a mobile phone contact list

from a first mobile phone (1) using a mobile phone messaging service (MMS or SMS, page 1,

section [0003]) to one or a group of mobile phones (see fig. 2-4, page 3, section [0055-0056]). In

this case, the user may select a particular contact from the contact list by activating the scroll key

9 to position the highlight bar 28 over a required contact. In FIG. 3A, the contact "John Smith"

is shown highlighted by the highlight bar 28, Examiner take official notice: If the user select one

more contact "David Brown" the e-mail address of the selected contact has automatically been

entered in the recipient address field on the "create e-mail message" screen, following the

heading "To:" on the display 5, for the multiple recipient, so that mobile phone can be send to

one or a group of mobile phones with multiple recipient, the user may therefore compose their

message and press the short cut key 13 again to send it (see fig. 3A-B) comprising: displaying (5)

the mobile phone contact list (28) (fig. 3A) of the first mobile phone (1), contact list (see fig.

3A), selecting one or more contacts from the mobile phone contact list (see fig. 3A, page 3, section [0055]). But Gates does not mention adding or inserting or attached the selected contacts (name or phone numbers) of the contact list to a message and sending the message containing the contact data for the selected contacts to the one or more other mobile phones, the message containing control data identifying the message as containing a contact list.

However, Fitzpatrick teaches attached the selected contacts of the contact list to a message and sending the message containing the contact data for the selected contacts to the one or group of mobile phones, the message containing control data identifying the message as containing a contact list (see fig. 1, message (130), page 1-3, sections [0009-0013, 0019 and 0021]). In this case, attached the contact lists to e-mail message, the contact list can be in the form of electronically stored personal address books, buddy list, cell-phone a contacts lists (see sections [0019-0020]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Gates with Fitzpatrick, thereto, in order to provide sender to attach the contact list to the electronic mail message easier (see suggested by Fitzpatrick on page 2-3, sections [0021 and 0023-0024]).

Regarding claims 2, 7, Gates teaches the mobile phone messaging service uses a short messaging service (SMS) format (see SMS, page 1, section [0018]).

Regarding claims 3, 8, Gates teaches the mobile phone messaging service uses a multi-media messaging service (MMS) format (see page 1-2, sections [0018, 0033-0037]). In this case,

the broadcast information in the current context involves sending e-mail, instant message and

short message service (SMS) are service by the multi-media messaging service (MMS) format.

Regarding claims 4 and 9, Fitzpatrick teaches previewing the message prior to sending

the message so that additional contacts can be added to the message and selected contacts can be

deleted (see page 2, sections [0010-0013 and 0021), In this case, the configure the message can

be attach, adding, inserting and remove and deleted and information and contact depend on the

sender.

Regarding claims 5 and 10, Fitzpatrick teaches displaying the contact data for a selected

contact prior to adding the contact to the message (see page 1, sections [0008-0009]). In this

case, the contact is displaying so that the sender can identify and selected for attachment the

contact list.

5.   Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzpatrick

(U.S. Pub. NO. 2004/0044536) in view of Harms (U.S. Pub. NO. 2003/0078981).

Regarding claims 11 and 14, Fitzpatrick teaches a method of receiving mobile phone

contact list data in a first mobile phone (110) sent from a second mobile phone (160) using a

mobile phone messaging service (e-mail) (see fig. 1 and 3, mobile phone on page 2, section

[0019]) comprising: receiving a message in the first mobile phone from the second mobile phone

(see fig. 3, page 3, section [0027]); determining whether the received message contains contact

list data and, if so launching a application specific software program to manage the received

contact list data, otherwise handling the received message normally (see fig. 3, page 3, sections [0027-0029]). In this case, the launching a application specific software program is the program for parsed the sender and recipient contact list, If no the search will be end and receive the received message normally. Displaying the received mobile phone contact list (see read the displaying mail on page 2, section [0020]); resolving contact list data conflicts between the received contact list data and contact data already stored on the first mobile phone; and storing the new mobile phone contact list data in the first mobile phone (see page 3, sections [0025-0029]). In this case, the system can then replace the list of the contacts with the new contact in the new list of the contact, and adding the new contact group member and stored or retained. That is obvious to resolving contact list data conflicts between the received contact list data and contact data already stored on the first mobile phone; and storing the new mobile phone contact list data in the first mobile phone.

However, related art Harms teaches resolving contact list data conflicts between the received data for a contact list and contact data already stored on the first mobile phone and storing the received data for a contact list a contact list of the first mobile phone (see fig. 5 and 7, exiting contact information and new contact information, page 1-2, sections [0007, 0025-0027], and page 3, sections [0031, 0034 and 0036-0037]). In this case, Harms teaches a provide for the populating of a contact list on a portable device, such as, a WAP phone or PDA. Further, the system and method described helps resolves conflicts for multiple instances of a contact in the Contact list using a portable device, also allows a user to add contacts that appear in an Inbox without manually entering them (see fig. 1-5, page 3-4, sections [0037 and 0047]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time

invention was made to modify above teaching of Fitzpatrick with Harms, thereto, in order to

provide user to add contacts that appear in an Inbox without manually entering them Such

functionality saves the user time and is more convenient (see suggested by Harms on page 4,

section [0047]).

Regarding claims 12 and 15, Pyhalammi teaches the mobile phone messaging service

uses a short messaging service (SMS) format (see SMS page 2, section [0021]).

Regarding claims 13 and 16, Pyhalammi teaches the mobile phone messaging service

uses a multi-media messaging service (MMS) format (see MMS page 2, section [0021]).

Response to Arguments

6.   Applicant's arguments with respect to claim 1-16 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

7.   **Any response to this action should be mailed to:**

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window (now located at

*the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314).***

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The

examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners

supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is

assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the **Technology Center 2600 Customer Service Office** whose telephone

number is **(703) 306-0377**.

9.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
March 29, 2009

/TAN TRINH/
Primary Examiner, Art Unit 2618